

MAXWELL KADEL, *et al.*,  
  
Plaintiffs,  
  
v.  
  
DALE FOLWELL, *et al.*,  
  
Defendants.

LORETTA C. BIGGS, District Judge.

Case 1:19-cv-00272-LCB-LPA Document 269 Filed 10/24/22 Page 1 of 2

On August 4, 2022, DHHS published a Notice of Proposed Rulemaking on this issue. Nondiscrimination in Health Programs and Activities, 87 Fed. Reg. 47824 (proposed Aug. 4, 2022) (to be codified at 45 C.F.R. pt. 92). In light of the new rule, the Court finds that additional limited briefing on this issue could assist the Court in resolving the parties' cross motions.

For the reasons stated herein, the Court enters the following:

**ORDER**

**IT IS THEREFORE ORDERED** that each party may, but is not required to, provide additional limited briefing on their respective motion related to Plaintiffs' ACA claim in light of DHHS's recent rulemaking. Each party may file a supplemental brief within 14 days of the entry of this Order, which shall not exceed 3,125 words. Further, each party may file a response, if any, within 7 days of the filing of supplemental briefing, likewise, not to exceed 3,125 words.

This, the 24<sup>th</sup> day of October 2022.

/s/ Loretta C. Biggs  
United States District Judge